Lawsuit Against OpenAI Over Teen's Suicide Indicates New Frontier of Litigation Strategies in AI Liability

AJ Dellinger *Published September 26, 2025*

On April 11, 2025, 16-year-old Adam Raine took his own life. His last conversation was with ChatGPT.

In those final messages, according to reports, the troubled teenager worried that if he killed himself, his parents would think they were to blame. ChatGPT told him that he doesn't "owe them survival" and offered to help him write a suicide note to reassure them. He asked how to steal

liquor from his parents' liquor cabinet, and the chatbot produced a strategy it called "Operation Silent Pour." He asked if the noose he tied was strong enough to suspend a human, and ChatGPT offered advice on how to "upgrade it into a safer load-bearing anchor loop."

Raine's parents, Matt and Maria Raine, believe that their son's conversations with ChatGPT eventually led to Adam taking his own life. On Aug. 26, they filed a wrongful death lawsuit against OpenAI, the company behind the popular chatbot in which their son confided his "most harmful and self-destructive thoughts." The case, filed in San Francisco County Superior Court, is the first such case to be brought against OpenAI, and one of the first cases seeking accountability from the companies that have developed large language models.

ChatGPT first launched for public use on Nov. 30, 2022. The technology, considered transformative, remains both relatively new and, in many ways, barely understood—both in how it functions and in the effect it has on users. Earlier this month, OpenAI published a working paper claiming that about 10% of the global adult population, more than 700 million people, use ChatGPT and send around 18 billion messages per week.

"Companies are working hard to collect more information about how, when, and by whom their models are being used," Kevin Frazier, AI Innovation and Law Fellow at the University of Texas School of Law, explained, noting that "it's a slow and incomplete process."

To that end, ChatGPT almost certainly has more users than it reported, not to mention many users who are under the age of 18 who weren't captured by the company's working paper, which only accounted for adult users. According to research from Common Sense Media, 72% of teenagers have used AI companions at some point, including more than half who report interacting with chatbots regularly. About one in three of those teens use AI chatbots for social interaction and relationships, including one in 10 who seek emotional or mental health support.

"Consumers are generally AI-illiterate," Frazier said. "They are driving cars without a learner's permit."

Until recently, the guardrails for chatbots were relatively ill-defined. On Sept. 16 of this year, OpenAI announced an age verification system that would filter younger users into a more age-appropriate experience. For underage users, ChatGPT will block "graphic sexual content" and consider "potentially involving law enforcement to ensure safety" if there is risk of imminent harm being expressed by the user. The company also announced parental controls available for families who link their accounts, set to roll out by the end of September. On the same day that

OpenAI announced those features, the Raine family was testifying before Congress about how ChatGPT affected their son.

Before the Raine family filed their lawsuit, they reached out to the Tech Justice Law Project, a nonprofit watchdog organization that specializes in legal matters in the digital era, and one of the few organizations currently pursuing legal action against AI firms for the potential harms caused by their products.

“It's an extremely emerging, very niche area within tech law, which arguably is already quite niche,” said Melodi Dinçer, Policy Counsel at the Tech Justice Law Project and Fellow with the Institute of Technology, Law and Policy at UCLA. “But the harms that we're seeing are happening in real time.”

The Tech Justice Law Project was also involved in another ongoing wrongful death lawsuit, filed last year in the U.S. District Court for the Middle District of Florida. That case was filed against Character.AI, which allows users to create and interact with chatbots designed to mimic specific characters, and Google for its investment in and relationship with the startup. It followed the suicide of Sewell Setzer III, a 14-year-old who developed an emotional attachment with a chatbot designed to communicate like the “Game of Thrones” character Daenerys Targaryen.

In May of this year, the court denied the request of Character Technologies, the parent company of Character.AI, to dismiss the case on free speech grounds. The company argued that the text and voice outputs of its chatbots are protected speech under the First Amendment.

"The Court need not wrestle with the novel questions of who should be deemed the speaker of the allegedly harmful content here and whether that speaker has First Amendment rights," Character Technologies argued in its motion, "because the First Amendment protects the public’s 'right to receive information and ideas.'"

The court rejected that argument and allowed the wrongful death lawsuit to proceed, with U.S. Senior District Judge Anne Conway writing that she was “not prepared to hold that the Character A.I. LLM's output is speech.” Earlier this month, another family filed a similar wrongful death lawsuit against Character.AI after their 13-year-old daughter Juliana Peralta took her own life.

“The [Character.ai] case is very important because it gave courts, federal courts, an opportunity to consider the tech industry's first-wave defense of these types of lawsuits, which is a very broad First Amendment defense,” Dinçer said.

She also noted that another argument Character.AI asserted was the First Amendment rights of the users to hear or receive speech. In its motion to dismiss filing, the company argued that the First Amendment "protects the rights of listeners to receive speech regardless of its source," and cited "numerous instances where courts have dismissed similar tort claims against media and technology companies to protect the viewers' and listeners' First Amendment rights."

Dinçer described this as a vicarious defense of user rights—a defense that she expects to see other AI companies raise as further legal challenges arise. She also suggested that OpenAI might launch its own First Amendment defense that would differ from Character.AI's because of the different ways the chatbots function.

With Character.AI, the personalities of the chatbots are typically user-generated and can be shared among others. There is, then, some user input that defines the outputs generated, though it uses the company's technology and platform to do so. OpenAI's ChatGPT is more strictly controlled by the company. "There could potentially be an argument that they piece together to the effect that LLM outputs are protected expressive conduct of the company and deserve some First Amendment protections," Dinçer theorized.

There have been suggestions that AI models may be protected by Section 230 of the Communications Decency Act of 1996. That well-known carveout within the law provides online platform operators with broad immunity as related to content uploaded by others, effectively preventing platforms like Reddit or Facebook from being treated as the publisher of potentially harmful or offensive material posted by users.

So far, no company has made such a case in court—and for good reason, according to Dinçer.

"I think Section 230 actually is one of the weakest arguments that they could make, primarily because the harms of these products stem from the large language models that power the outputs, as well as the choices made by these companies on how to design the user interface to make it seem like you are actually communicating in a chat room with a friend," she explained. "That conduct is from the company. It pulls this entire realm, I would argue, out of Section 230's ambit, because there's no user mediation here."

The fact that there is no user mediation, particularly in the OpenAI case where users are not generating the personalities of the chatbot they are interacting with, makes pursuing the case a particular challenge for the families and their legal representatives.

“We don’t have a playbook like consumer protection litigators have in other areas,” Dinçer said, though she noted they do have a theory of how to proceed. “We argue that these chatbot products are technically and functionally different than the social media products of the past and the other products where people have tried to seek legal accountability from companies, from tech companies specifically.”

What that accountability may look like, though, is also unclear. The Tech Justice Law Project has not taken a specific policy position on how companies should better regulate their products to safeguard users. During a congressional hearing, Matthew Raine, the father of Adam, stated that he wants OpenAI and CEO Sam Altman to “ guarantee that ChatGPT is safe,” and if that can’t be done, “they should pull GPT-4o from the market right now," referencing the LLM model that powered the version of ChatGPT that his son interacted with.

“Some people think that leaves us with two choices: ban tools in sensitive use cases or simply accept that similar harms are the price of technological progress,” Frazier said. “That's a false binary.”

He suggested that more information is needed to determine what makes an AI tool safe for use. "Consumers and companies alike need clarity around what qualifies as a safe AI tool. Just as we have crash test ratings for cars, it's important to understand the conditions under which models might lead to unintended outcomes,” he said.

Dinçer said the Tech Justice Law Project sees the lawsuit against OpenAI as an evolution of the wrongful death complaint against Character.AI, and an attempt to establish accountability around the outputs of AI models. “This case we see as an important evolution in the story that we're telling around the harms that these products pose,” she said. “We see the next avenue of potentially expanding the conversation to include not only children and teens, but adults who are being actively harmed by these products.”

ChatGPT’s decision to implement new safety rules are arguably a result of cases like the one being brought by the Raine family. “Cases like this are a forcing mechanism for more disclosure, more information,” Frazier explained. “It's a critically important process toward developing responsive regulations that at once encourage AI innovation and adoption while also safeguarding consumers.”

Much of the relief granted in these cases, if any, will likely be more personal to the families.“A lawsuit is just one vehicle to represent one family's struggle, and give anyone who's following this space one example out of a universe of potential harms,” Dinçer said.

The potential for wider change may still require legislation, such as California's Senate Bill 243, which would establish protections for underage users interacting with chatbots. The bill passed both the Senate and Assembly and is awaiting Gov. Gavin Newsom's potential signature. Earlier this month, the Federal Trade Commission also requested information from AI firms, including OpenAI, as part of an inquiry into how chatbots interact with children and teens.

Still, cases like the one brought by the Raine family play an important role in helping shape future policy. "Lawmakers should be monitoring this case closely to get a better sense of to what extent OpenAI and other labs are actively integrating best practices when it comes to releasing societally beneficial products," Frazier said.

In the meantime, more cases may be coming, due to the unfortunate reality that people of all ages have been negatively affected by their interactions with chatbots. And that could change the litigation strategy.

"A class action is not out of the picture, especially as more public and media attention is paid to this topic," Dinçer said. "We are aware of many, many more people and families affected by these products in negative ways, so some type of collective action is on the table."

Photo: OpenAI CEO Sam Altman testifies before the Senate Committee on Commerce, Science, and Transportation in the Hart Senate Office Building on Capitol Hill on May 8, 2025 in Washington, D.C. (Photo by Chip Somodevilla/Getty Images)

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